

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

GRACE INDUSTRIES, LLC
Employer

and

Cases 29-RC-12031
29-RC-12043

HIGHWAY ROAD AND STREET CONSTRUCTION
LABORERS, LOCAL 1010, LABORERS INTERNATIONAL
UNION OF NORTH AMERICA, AFL-CIO
Petitioner/Intervenor

and

UNITED PLANT AND PRODUCTION WORKERS
LOCAL 175, INTERNATIONAL UNION OF JOURNEYMEN
AND ALLIED TRADES
Petitioner/Intervenor

ORDER

Petitioner/Intervenor United Plant and Production Workers, Local 175, International Union of Journeymen and Allied Trades' Request for Review of the Regional Director's Decision and Direction of Election is granted as it raises substantial factual issues.¹ The case is remanded to the Regional Director for further consideration in light of *Specialty Healthcare & Rehabilitation Center of Mobile*, 357 NLRB No. 83 (2011).

MARK GASTON PEARCE, CHAIRMAN

CRAIG BECKER, MEMBER

MEMBER HAYES, concurring:

Although I dissented in *Specialty Healthcare*, I agree that under either the majority or dissenting view in that case a remand is necessary for further consideration and explanation of why the asphalt workers bargaining unit sought by Petitioner/Intervenor United Plant and Production Workers, Local 175, International Union of Journeymen and Allied Trades is not appropriate.

BRIAN E. HAYES, MEMBER

Dated, Washington, D.C., December 8, 2011.

¹ The Employer's motion to strike is denied because Local 175's Request for Review substantially complies with the Board's Rules and Regulations.